

03500.018062



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HIROAKI SAKAI ET AL.) : Examiner: Ryan M. Glietz
Application No.: 10/822,721) : Group Art Unit: 2852
Filed: April 13, 2004) : Confirmation No.: 2859
For: IMAGE FORMING APPARATUS) : June 12, 2006
IMAGE FORMING APPARATUS WITH A) : (Monday)
PLURALITY OF SELECTABLE MODES TO)
MAINTAIN TEMPERATURE) :

Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

On May 10, 2006, the U.S. Patent and Trademark Office issued a Notice of Non-Compliant Amendment in the above-identified application, asserting that the Amendment filed on February 21, 2006, removed all claim limitations drawn to the elected invention and presented only claims drawn to a non-elected invention and was for that reason non-responsive. Applicants respectfully traversed this finding.

In response to the election of species requirement, Applicants elected to prosecute the invention of Species I, which corresponded to Embodiment I of the present invention. The Examiner asserts that the claims as amended on February 21, 2006, no longer

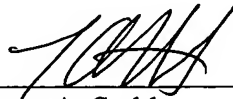
read on that elected invention because they include “a controller for controlling power supplied to said first and second heaters” and “first and second modes correspond to --- different power supplied to the second heater” provided in the specification as part of the second embodiment. Applicants respectfully disagree with the conclusions drawn by the Examiner.

More specifically, the invention as described in the first embodiment of the above-identified application is characterized as being in the art in which the target temperature of the pressure roller heater is adjustable. In that first embodiment, there is a first heater 103 and a second heater 114, the first heater being in the fixing roller and the second heater being in the pressure roller. An MPU unit 23 is provided for controlling power supply to the first heater 103 and the second heater 114 and, there are at least two temperature control modes for controlling power supplied to that second heater.

In claim 1, as amended on February 21, 2006, the invention is characterized in that the first and second modes correspond to substantially a same target temperature for the heat fixing rotation member, and correspond to either different target temperatures for the pressure rotation member or different powers supplied to that second heater. Applicants respectfully submit that this is the subject matter of the first embodiment which was elected for prosecution by Applicants. Applicants respectfully request withdrawal of the Notice of Non-Compliant Amendment and prompt examination of the pending claims herein.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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